

I certify that the attached is a true and correct copy of HJR 2, which was filed of record on MAR 1 1989 and referred to the committee on:

State Affairs

Betty Murray  
Chief Clerk of the House

1989 MAR 14 PM 1:24

HOUSE OF REPRESENTATIVES

FILED MAR 01 1989

By

Morales

HJ.R. No. 2

A JOINT RESOLUTION

proposing a constitutional amendment to provide for state funding of new legislative mandates on local governments.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III of the Texas Constitution is amended by adding Section 66 to read as follows:

Sec. 66. (a) A political subdivision of this state is entitled to be reimbursed from the general revenue fund in the state treasury for the costs incurred in a calendar year by the political subdivision to comply with any state mandate enacted on or after January 1, 1990, unless the legislature:

(1) by statute enacted by a record vote of four-fifths of the members elected to each house expressly provides that the mandate is not subject to reimbursement under this section; or

(2) appropriates or otherwise provides for the payment or reimbursement from a source other than revenue of the political subdivision of the costs incurred in the calendar year by the political subdivision in complying with the state mandate.

(b) In this section, "state mandate" means a requirement made by a statute enacted by the legislature that requires a political subdivision to establish, expand, or modify an activity in a way that requires the expenditure of revenue by the political subdivision that would not have been required in the absence of the statutory provision.

(c) On or before the next September 1 following a regular

71R1048 JSA-D

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comptroller's action unless the political subdivision establishes by clear and convincing evidence that the decision of the comptroller is erroneous. The decision of the district court may be appealed in the manner provided by law for civil suits generally.

(d) For purposes of this section, costs incurred to comply

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1 with a rule adopted by a state agency to implement a state mandate  
2 or a judicial decision interpreting or applying a state mandate are  
3 reimbursable in the same manner as other costs incurred to comply  
4 with that state mandate, if those costs are required to be  
5 reimbursed under this section.

6 (e) This section does not apply to a state mandate:

7 (1) not included in the appropriate list of mandates  
8 published by the comptroller under this section;

9 (2) imposed by the legislature or a state agency to  
10 comply with a requirement of the Texas Constitution or federal law;

11 (3) creating a new criminal offense or changing the  
12 elements of a criminal offense; or

13 (4) approved by the voters of this state at a general  
14 election.

15 (f) To receive a reimbursement to which it is entitled under  
16 Subsection (a) of this section, the governing body of the political  
17 subdivision must apply to the comptroller of public accounts not  
18 later than March 1 of the year following the year in which the  
19 reimbursable expense was incurred. The application must provide  
20 evidence of the costs incurred by the political subdivision in  
21 complying with the mandate. A political subdivision is not  
22 eligible for reimbursement under this subsection unless it complies  
23 or in good faith attempts to comply with the mandate in the year  
24 for which the reimbursement is sought. The comptroller shall pay  
25 the amount of the costs the comptroller determines were directly  
26 incurred in complying with the mandate not later than the end of  
27 the calendar year in which the governing body applies for

Finnell  
Telford  
Russell  
Park  
Robinson

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12 of the members elected to each house expressly provides that the  
13 mandate is not subject to reimbursement under this section; or

14 (2) appropriates or otherwise provides for the payment  
15 or reimbursement from a source other than revenue of the political  
16 subdivision of the costs incurred in the calendar year by the  
17 political subdivision in complying with the state mandate.

18 (b) In this section, "state mandate" means a requirement  
19 made by a statute enacted by the legislature that requires a  
20 political subdivision to establish, expand, or modify an activity  
21 in a way that requires the expenditure of revenue by the political  
22 subdivision that would not have been required in the absence of the  
23 statutory provision.

24 (c) On or before the next September 1 following a regular

# HOUSE COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

89 MAY 17 PM 11:20

1st Printing

By Morales, *et al.*

H.J.R. No. 2

Substitute the following for H.J.R. No. 2:

By *Cannon*

C.S.H.J.R. No. 2

## A JOINT RESOLUTION

1 proposing a constitutional amendment to require the legislature to  
2 provide revenue to local governments to pay for new programs and  
3 duties imposed by the legislature in order to reduce the need for  
4 local tax increases.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III of the Texas Constitution is amended  
7 by adding Section 49a-1 to read as follows:

8 Sec. 49a-1. (a) The comptroller of public accounts shall  
9 prepare an estimate of the probable cost to local governments or  
10 political subdivisions of each law enacted by the legislature  
11 imposing or requiring compliance with state standards in the  
12 operation of local facilities or in the provision of local  
13 services.

14 (b) Except in the case of emergency and imperative public  
15 necessity and with a four-fifths vote of the total membership of  
16 each house, a law enacted by the legislature on or after January 1,  
17 1991, imposing or requiring compliance with state standards in the  
18 operation of local facilities or in the provision of local services  
19 is not binding during a state fiscal biennium on a local government  
20 or political subdivision to which the law purports to apply unless  
21 the comptroller of public accounts has estimated the cost of  
22 compliance with the law for the biennium and certifies that there  
23 has been appropriated for the biennium or otherwise provided for  
24 the payment or reimbursement from a source other than revenue of

H. J. R. No. 2

By Morales

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to provide for state funding of new legislative mandates on local governments.

MAR 1 1989

1. Filed with the Chief Clerk.

MAR 13 1989

2. Read first time and referred to Committee on

State Affairs

MAY 4 1989

3. Reported favorably ~~(as amended)~~  
(as substituted) and sent to Printer at

2:55pm  
MAY 17 1989

MAY 17 1989

4. Printed and distributed at

11:20pm

MAY 18 1989

5. Sent to Committee on Calendars at

3:36pm

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

11. Ordered Engrossed at \_\_\_\_\_

12. Engrossed.

13. Returned to Chief Clerk at \_\_\_\_\_

14. Sent to the Senate.

\_\_\_\_\_  
Chief Clerk of the House

15. Received from the House

16. Read, referred to Committee on \_\_\_\_\_

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by

(a viva voce vote.)

(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

22. Read second time

passed to third reading by:  
(a viva voce vote.)

(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 23. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 24. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 25. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 26. Returned to the House.

\_\_\_\_\_ 27. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 29. Conference Committee Ordered.

\_\_\_\_\_ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 31. Ordered Enrolled at \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
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